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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,056	03/31/2004	Niniane Wang	24207-10082	5718

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EXAMINER
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DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,056	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> CHELCIE DAYE	<b>Art Unit</b> 2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-9,11-13,15-22,24,26-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4,6-9,11-13,15-22,24,26-33, and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is issued in response to applicant's amendment filed June 18, 2008.
2. Claims 1-2,4,6-9,11-13,15-22,24,26-33, and 35-37 are presented. No claims were added and claims 3,5,10,14,23,25,and 34 are cancelled.
3. Claims 1-2,4,6-9,11-13,15-22,24,26-33, and 35-37 are pending.
4. Applicant's arguments filed June 18, 2008, have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-2,4,6-9,11,15-22,24,26-31,and 35-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Emens (US Patent No. 6,745,178) filed April 28, 2000.**

Regarding Claims 1 and 21, Travis discloses a method comprising:

obtaining from an index a search result associated with a current search query ([0004], lines 1-8, Travis), the search result comprising a first article identifier (Fig.2A; [0026], lines 8-10, Travis)<sup>1</sup>;

providing a content display comprising a second article identifier (Fig.2A; [0026], lines 12-14, Travis)<sup>2</sup>. However, Travis is silent with respect to comparing the current search query to a previous search query. On the other hand, Emens discloses comparing the current search query to a previous search query (Abstract, Emens). Travis and Emens are analogous art because they are from the same field of endeavor of processing queries and locating documents. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Emens' teachings into the Travis system. A skilled artisan would have been motivated to combine in order to provide a more efficient query execution system. Therefore, the combination of Travis in view of Emens, disclose responsive at least in part to the current search query and the previous search query differing by more than a predetermined amount, updating the content display (column 6, lines 12-32, Emens); and responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, not updating the content display<sup>3</sup>.

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<sup>1</sup> Examiner Notes: Fig.2A, item 266 corresponds to the first article identifier.

<sup>2</sup> Examiner Notes: Fig.2A, the second results 260-2, represent the second article identifier.

<sup>3</sup> Examiner Notes: Since the above response differs by more than a predetermined amount, the updating of the display occurs, therefore, it is obvious for the step of updating not to occur if the queries do not differ by more than the predetermined amount.

Regarding Claims 2 and 22, the combination of Travis in view of Emens, disclose the method wherein the first article identifier comprises a first relevancy measure, and the second article identifier comprises a second relevancy measure (Fig.2A; [0026], lines 8-14, Travis)<sup>4</sup>.

Regarding Claims 4 and 24, the combination of Travis in view of Emens, disclose the method further comprising updating the content display responsive at least in part to the first relevancy measure exceeding the second relevancy measure ([0029], Travis).

Regarding Claims 6 and 26, the combination of Travis in view of Emens, disclose the method wherein the predetermined amount is expressed as a percentage (column 11, lines 62-64, Emens).

Regarding Claims 7 and 27, the combination of Travis in view of Emens, disclose the method wherein the predetermined amount is expressed as a number of query terms (column 7, lines 20-25 and column 8, lines 6-14, Emens).

Regarding Claims 8 and 28, the combination of Travis in view of Emens, disclose the method wherein the predetermined amount is expressed as a

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<sup>4</sup> Examiner Notes: Fig.2A, item 268 corresponds to the first relevancy measure and item 274 corresponds to the second relevancy measure.

specified percentage of terms in the current search query (column 11, lines 62-64, Emens).

Regarding Claim 9, the combination of Travis in view of Emens, disclose a method comprising:

obtaining from an index a search result associated with a current search query ([0004], lines 1-8, Travis), the search result comprising a first article identifier (Fig.2A; [0026], lines 8-10, Travis);

providing a content display comprising a second article identifier (Fig.2A; [0026], lines 12-14, Travis);

comparing the first article identifier to the second article identifier ([0029], Travis);

responsive at least in part to the first article identifier and the second article identifier being different, updating the content display (column 6, lines 35-47, Emens); and

responsive at least in part to the first article identifier and the second article identifier not being different, not updating the content display<sup>5</sup>.

Regarding Claims 11 and 31, the combination of Travis in view of Emens, disclose the method further comprising updating the content display responsive

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<sup>5</sup> Examiner Notes: It would be obvious to not update the content display when the first and second identifiers are not different, since the content display is updated when the first and second identifiers are different.

at least in part to an outcome of monitoring a mouse pointer associated with the content display ([0025], Travis).

Regarding Claims 15 and 35, the combination of Travis in view of Emens, disclose the method wherein updating the content display comprises replacing the first article identifier with the second article identifier ([0027], Travis).

Regarding Claims 16 and 36, the combination of Travis in view of Emens, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising replacing the second plurality of article identifiers with the first plurality of article identifiers (Fig.2A; [0027], Travis).

Regarding Claims 17 and 37, the combination of Travis in view of Emens, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising merging the first plurality of article identifiers with the second plurality of article identifiers (Fig.2A; [0029], lines 1-4, Travis).

Regarding Claims 18-20, the combination of Travis in view of Emens, disclose the method wherein the index comprises a global index ([0055], Travis) and a local index ([0003], lines 1-9, Travis).

Regarding Claim 29, the combination of Travis in view of Emens, disclose the method further comprising updating the content display responsive at least in part to an outcome of a comparison between the first article identifier to the second article identifier ([0029], Travis).

Regarding Claim 30, the combination of Travis in view of Emens, disclose the method wherein the outcome is that the first article identifier and the second article identifier are different ([0029], Travis).

**7. Claims 12-13 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Emens (US Patent No. 6,745,178) filed April 28, 2000, and further in view of Petropoulos (US Patent No. 7,047,502) filed September 24, 2001.**

Regarding Claims 12 and 32, the combination of Travis in view of Emens, disclose all of the claimed subject matter as stated above. However, the combination of Travis in view of Emens, are silent with respect to the mouse



pointer not active in the content display. On the other hand, Petropoulos discloses the mouse pointer not active in the content display (column 7, lines 23-41, Petropoulos). Travis, Emens, and Petropoulos are analogous art because they are from the same field of endeavor of webpage searching on the Internet or Intranet. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Petropoulos' teachings into the Travis and Emens system. A skilled artisan would have been motivated to combine as suggested by Petropoulos at column 2, lines 54-62, in order to provide preview information, which contains relevant information in the results list. As a result, improving the efficiency of analyzing search results and using the data gathered to refine and improve the search process.

Regarding Claims 13 and 33, the combination of Travis in view of Emens, and further in view of Petropoulos, disclose the method wherein the outcome is that the mouse pointer is not approaching the content display (column 7, lines 57-62, Petropoulos).

**ALSO:**

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2161

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 1-2,4,6-9,11,15-22,24,26-31,and 35-37, are rejected under 35 U.S.C.**

**103(a) as being unpatentable over Travis (US Patent Application No.**

**20040215607) filed April 25, 2003, in view of Denny (US Patent No. 7,082,428) filed**

**September 16, 2002.**

Regarding Claims 1 and 21, Travis discloses a method comprising:

obtaining from an index a search result associated with a current search query ([0004], lines 1-8, Travis), the search result comprising a first article identifier (Fig.2A; [0026], lines 8-10, Travis)<sup>6</sup>;

providing a content display comprising a second article identifier (Fig.2A; [0026], lines 12-14, Travis)<sup>7</sup>. However, Travis is silent with respect to comparing the current search query to a previous search query. On the other hand, Denny discloses comparing the current search query to a previous search query (Abstract, Denny). Travis and Denny are analogous art because they are from the same field of endeavor of searching large massive information networks. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Denny's teachings into the Travis system. A skilled artisan would have been motivated to combine in order to provide a search

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<sup>6</sup> Examiner Notes: Fig.2A, item 266 corresponds to the first article identifier.

<sup>7</sup> Examiner Notes: Fig.2A, the second results 260-2, represent the second article identifier.

system, which requires the appropriate amount of bandwidth that is necessary along with a more flexible back-end process. Therefore, the combination of Travis in view of Denny, disclose responsive at least in part to the current search query and the previous search query differing by more than a predetermined amount, updating the content display (column 5, lines 1-22, Denny); and responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, not updating the content display<sup>8</sup>.

Regarding Claims 2 and 22, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first relevancy measure, and the second article identifier comprises a second relevancy measure (Fig.2A; [0026], lines 8-14, Travis)<sup>9</sup>.

Regarding Claims 4 and 24, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to the first relevancy measure exceeding the second relevancy measure ([0029], Travis).

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<sup>8</sup> Examiner Notes: See explanation above.

<sup>9</sup> Examiner Notes: Fig.2A, item 268 corresponds to the first relevancy measure and item 274 corresponds to the second relevancy measure.

Regarding Claims 6 and 26, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a percentage (column 5, lines 7-10, Denny).

Regarding Claims 7 and 27, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a number of query terms (column 5, lines 10-20, Denny).

Regarding Claims 8 and 28, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a specified percentage of terms in the current search query (column 5, lines 7-10, Denny).

Regarding Claims 9 and 29, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to an outcome of a comparison between the first article identifier to the second article identifier ([0029], Travis).

Regarding Claim 30, the combination of Travis in view of Denny, disclose the method wherein the outcome is that the first article identifier and the second article identifier are different ([0029], Travis).

Regarding Claims 11 and 31, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to an outcome of monitoring a mouse pointer associated with the content display ([0025], Travis).

Regarding Claims 15 and 35, the combination of Travis in view of Denny, disclose the method wherein updating the content display comprises replacing the first article identifier with the second article identifier ([0027], Travis).

Regarding Claims 16 and 36, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising replacing the second plurality of article identifiers with the first plurality of article identifiers (Fig.2A; [0027], Travis).

Regarding Claims 17 and 37, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising merging the first plurality of article identifiers with the second plurality of article identifiers (Fig.2A; [0029], lines 1-4, Travis).

Regarding Claims 18-20, the combination of Travis in view of Denny, disclose the method wherein the index comprises a global index ([0055], Travis) and a local index ([0003], lines 1-9, Travis).

**10. Claims 12-13 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Denny (US Patent No. 7,082,428) filed September 16, 2002, and further in view of Petropoulos (US Patent No. 7,047,502) filed September 24, 2001.**

Regarding Claims 12 and 32, the combination of Travis in view of Denny, disclose all of the claimed subject matter as stated above. However, the combination of Travis in view of Denny, are silent with respect to the mouse pointer not active in the content display. On the other hand, Petropoulos discloses the mouse pointer not active in the content display (column 7, lines 23-41, Petropoulos). Travis, Denny, and Petropoulos are analogous art because they are from the same field of endeavor of webpage searching on the Internet or Intranet. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Petropoulos' teachings into the Travis and Denny system. A skilled artisan would have been motivated to combine as suggested by Petropoulos at column 2, lines 54-62, in order to provide preview information, which contains relevant information in the results list. As a result, improving the

efficiency of analyzing search results and using the data gathered to refine and improve the search process.

Regarding Claims 13 and 33, the combination of Travis in view of Denny, and further in view of Petropoulos, disclose the method wherein the outcome is that the mouse pointer is not approaching the content display (column 7, lines 57-62, Petropoulos).

### ***Response to Arguments***

**Applicant argues, Emens does not disclose “responsive at least in part to the current search query and the previous search query differing by more than a predetermined amount, updating the content display” and “responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, not updating the content display”.**

Examiner respectfully disagrees. Emens teaches a query “view café” that the Nth user previously entered now appears in the published query area and the link “East Side Café...” from the answer set now appears in the published result area. The published query and published answer will also appear in the corresponding published query and published answers area on other clients operated by other users whose queries are sufficiently similar that they meet a predetermined threshold criterion for similarity (see col. 5, lines 35-45 and col. 6, lines 12-32). As understood by the Emens reference, previously entered queries and answers are published (i.e. displayed) to other users whose queries do not differ by more than a predetermined amount (i.e.

threshold), then the previously published answers are given to the users (i.e., not updating the display). The examiner interprets the same published answers to correspond to the display not being updated because the submitted answers are already known information. As such, it would be obvious that since the display is not updated when the queries do not differ by more than a predetermined amount, that when the queries do differ by a predetermined amount to update the display with the correct information. Therefore, applicant's assertions that Emens updating scheme is the opposite of the updating elements of the claimed invention are invalid.

**Applicant argues, Denny does not disclose “responsive at least in part to the current search query and the previous search query differing by more than a predetermined amount, updating the content display” and “responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, not updating the content display”.**

Examiner respectfully disagrees. Denny teaches a database that stores previously executed queries, results and ratings of the results. A server is allowed to provide the previously obtained results when the stored query and the new query are substantially similar (see col.4, lines 43-50). The “substantially similarity” is defined in various ways, which are described within Denny at col.5, lines 7-20. As such, since the queries are similar the content is not updated, but instead the previous results are maintained. More details and examples of this are found at col.6, lines 40-64.



**Applicant argues, Travis does not disclose the newly amended feature "responsive at least in part to the first article identifier and the second article identifier not being different, not updating the content display".**

Applicant's arguments with respect to the newly amended claim 9 has been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
August 27, 2008

/Apu M Mofiz/  
Supervisory Patent Examiner, Art Unit 2161